

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the matter of:

Petition of Frontier and Citizens
ILECs for Forbearance Under 47
U.S.C. § 160(c) from Enforcement of
Certain of the Commission's ARMIS
Reporting Requirements.

WC Docket No. 07-204

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA**

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I. INTRODUCTION AND SUMMARY

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit these comments in response to the Public Notice issued by the Federal Communications Commission (FCC or Commission) on December 18, 2007, in the above-captioned docket. In the Public Notice, the Commission seeks comment on a petition filed by Frontier and Citizens (Frontier)¹ requesting forbearance under 47 U.S.C § 160 (c).² In

¹ Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of the Commission's ARMIS Reporting Requirements, WC Docket No. 07-204 (received November 13, 2007).

² The Public Notice also seeks comment on an Embarq Petition for Forbearance from Enforcement
*(footnote continued on next
page)*

the petition, Frontier asks the FCC to forbear from enforcing certain of the Commission's Automated Reporting Management Information System (ARMIS) reporting requirements. Specifically, Frontier seeks forbearance from FCC rules which require submission of ARMIS Reports 43-05 (Service Quality Report) and 43-08 (Operating Data Report).

Frontier has three incumbent carriers operating in California: Citizen Telecommunications Company of California, Citizen Telecommunications Company of Tuolumne, and Citizen Telecommunications Company of the Golden State. That fact accords the CPUC a special interest in Frontier's petition.

The Commission should deny the relief requested in the Petition as elimination of these ARMIS reports would not be in the public interest. Without access to this information, California, and likely other states, would have difficulty meeting their oversight obligations. Accordingly, the Commission should retain all ARMIS reports at issue and continue to require Frontier to submit them on an annual basis.

(footnote continued from previous page)

of certain ARMIS reporting requirements, filed October 19, 2007CPUC's comments here do not address that petition.

II. DISCUSSION

Similar to a number of other states, the CPUC has relied on and will continue to rely on the ARMIS reports to make important regulatory policy decisions and establish rules for California.

A. California Relies on the ARMIS Reports to Carry Out its Regulatory Duties

In the last few years, the CPUC has taken significant steps to streamline its regulatory process. In particular, in 2006, in a move to streamline regulation of telecommunications utilities in California, the CPUC eliminated California-specific monitoring reports required under its previous regulatory framework on the basis that it could and would rely largely on the ARMIS reports instead.³ The CPUC made its decision largely at the urging of the carriers themselves, who argued that they should not be required to file two separate sets of reports – one with the Commission and one with the CPUC. In response to those arguments, and as part of its overhaul of telecommunications regulation, the CPUC curtailed oversight of the retail telecommunications service offerings of the four major California ILECs, including Frontier.⁴ The CPUC expressed its intent to rely on the ARMIS

³ See *Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the Regulation of Telecommunications Utilities (R.05-04-005)*, Decision (D.) 06-08-030, COL 57; See also *R.02-12-004, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo*.

⁴ Prices for all retail services were de-regulated, except for basic residential rates.

reports as part of its monitoring program to ensure that the competitive market is functioning well and customers will receive good quality at just and reasonably-priced services.⁵

1. Report 43-05

Frontier references the Commission's recent Quality of Service Report concluding that since 2000, virtually all of the reported service quality measures indicate "long-term improvement".⁶ However, a closer look at the three Frontier's California ILECs quality service trends drew a somewhat different conclusion as shown below:

⁵ D. 06-08-030 at p. 217, *mimeo*, FOF 73; *See also R.02-12-004, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo.*

⁶ Frontier Petition at 11.

COSA	Company	Row Title	Y2006 Total (aj)	Y2005 Total (aj)	Y2004 Total (aj)	Y2003 Total (aj)	Y2002 Total (aj)	Y2001 Total (aj)
CUCA	Citizens CA - Shasta	Initial - Out-of- Svc. Rpt. Intvl. (in hours)	21.6	23.9	22.2	18.6	14.5	15.5
CTCA	Citizens Golden State-CA - Colusa	Initial - Out-of- Svc. Rpt. Intvl. (in hours)	24.9	23.9	22.8	19.6	9.5	38.1
CTTU	Citizens Telecom of Tuolumne- California	Initial - Out-of- Svc. Rpt. Intvl. (in hours)	18.1	30.9	20.8	19.3	27.4	36.5

Frontier also states that “[t]he service quality data required by Report 43-05 substantially duplicate, in inconsistent and burdensome ways, the service quality data reporting required by almost all states in which Frontier provides local exchange services.”⁷ Frontier notes that California is one of the states requiring state specific service quality reports. We are sympathetic to Frontier’s complaint regarding some duplication of data reported between 43-05 and those reported to the states, and potential inconsistency among those reported within various states. However, the service quality reports Frontier filed with the CPUC represent a subset of the information requested in ARMIS 43-05. For instance, the reports filed with the CPUC do not contain installation or repair intervals. These measures are among the few performance measures being identified as important service

⁷ Frontier Petition at p. 8.

quality measures to be considered in a pending CPUC proceeding.⁸ In that same proceeding, the CPUC is also considering whether California-specific ARMIS data filed with the Commission should also be filed with the CPUC.⁹ Thus, it would be premature from the CPUC's perspective for the Commission to eliminate the ARMIS reports now.

b. Report 43-08

Frontier argues that the Commission should replace ARMIS 43-08 with form 477 to collect network infrastructure information from all providers that is necessary to carry out current policies and initiatives.¹⁰ CPUC believes Form 477 is not an adequate substitute for ARMIS report 43-08. This ARMIS report includes telephone call statistics which the CPUC uses to monitor and study calling pattern trends.

Additionally, as noted by NASUCA in comments on AT&T's ARMIS reports forbearance petition, while the ARMIS reports are publicly accessible, Form 477 is often filed as a confidential document and thus it is often difficult for states and consumer advocates to gain access to that

⁸ See *R.02-12-004 - Order Instituting Rulemaking on the Commission's Own Motion into the Service. Quality Standards for All Telecommunications Carriers and Revisions to General Order 133-B*, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo, p. 5.

⁹ See *R.02-12-004 - Order Instituting Rulemaking on the Commission's Own Motion into the Service. Quality Standards for All Telecommunications Carriers and Revisions to General Order 133-B*, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo, p. 5.

¹⁰ Frontier Petition at p. 9.

information.¹¹ The New Jersey Rate Counsel commented on AT&T's ARMIS reports forbearance petition that although data from Form 477 are aggregated and provided in a summary form, the underlying data for each company are not made available for analysis.¹² The CPUC agrees with NASUCA and New Jersey Rate Counsel that although Form 477 is a valuable report, it is not a substitute for the ARMIS reports.

Moreover, the ARMIS reports provide the states a crucial source from which to gather many service quality measurements on a national basis.

B. The Issue of Whether to Eliminate the ARMIS Reports Should Not be Addressed on a Piecemeal Basis.

The CPUC in its Reply comments to AT&T's forbearance petition urged that if the Commission is considering revamping its reporting requirements, the Commission should do so through a broader rulemaking proceeding and not on a piecemeal basis such as through this petition.¹³ The CPUC makes the same recommendation in these Comments. A rulemaking proceeding would allow the Commission to comprehensively address the implications of any change to the reporting requirements. A rulemaking proceeding is also

¹¹ NASUCA Comments at p. 7 filed in AT&T petition. (WC-07-139)

¹² NJ Rate Counsel Comments at p. 24 in AT&T petition. (WC-07-139)

¹³ CPUC Reply Comments (WC-07-139) at 9.

more appropriate because the petition raises issues that could potentially affect other ILEC affiliates.

III. CONCLUSION

The Commission should deny Frontier's petition because forbearance is not warranted at this time. The ARMIS reports are important to California for a number of reasons as stated above. Accordingly, the Commission should retain and continue to require Frontier's ILEC affiliates to submit ARMIS reports 43-05, and 43-08 on an annual basis.

Respectfully submitted,

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